

THE ASSESSMENT OF THE ROLE OF TRADITIONAL RULERS
IN THE POLITICAL ARENA OF THE SECOND REPUBLIC OF NIGERIA

A THESIS

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BY

JOEL IYORPANDE UDEGHA

DEPARTMENT OF PUBLIC ADMINISTRATION

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ABSTRACT

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UDEGHA, JOEL IYORPANDE

B.A., University of Ife, 1973

The Assessment of the Role of Traditional Rulers in the Political Arena of the Second Republic of Nigeria

Adviser: Dr. J. T. Jones

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The primary intent of this thesis is to assess what role the traditional rulers will play in the new federal plan of the government of Nigeria. An attempt has been made to bring to the fore how the role of traditional rulers has changed greatly between the period 1800 to 1978. These changes became imperative because of the social, economic and political developments of Nigeria, which dictate that traditional rulers should not participate directly in partisan politics as was hitherto the case.

The paper examines the recent demand for the abolition of the institution of traditional rulers. However, the examination shows that the majority of Nigerians still want the services of traditional rulers as leaders of the various communities, who represent symbols of unity. The results point to the fact that whatever party comes into power, it will need the assistance of traditional rulers to serve as a link between the government and the masses. The existence of large scale illiteracy and lack of effective means of direct communication between the government and the people

justify the link provided by the traditional rulers. The relationship between the traditional rulers and government should be supplementary, advising the government when that advice is needed. In their areas, they should be the custodians of the customs and tradition of their people. In times of national crisis, traditional rulers collectively will use their fatherly influence and mediate between the varying factions and avert complete anarchy in the country.

The main sources of information were Nigerian newspapers which included the New Nigerian, the Daily and Sunday Times, and the West Africa weekly publication. Also, a wide variety of secondary information, books, periodicals, reports and unpublished materials was used.

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1. INTRODUCTION

Long before the advent of colonial rule in Nigeria, there existed in Northern Nigeria a well organized fiscal system, a defined code of land tenure and the emirate local government rule with a well-trained judiciary administering the Malaki Law. At the head of this indigenous form of administration were traditional rulers.

The term traditional rulers as used in this paper connotes not just the Emirs and Chiefs, but embraces also the whole structure of those who governed, such as traditional title holders, district heads, village heads and the nobilities. These put together constitute the secular rulers or elites of various communities in Northern States of Nigeria - Bauchi, Borno, Gongola, Plateau, Kaduna, Kano, Kwarra, Niger and Sokoto. Each traditional ruler had his own territory where the emir or chief was the political, administrative and judicial head, supported by his traditional advisors. There were also judges, military commanders and locally learned people who advised the rulers in the day-to-day administration of their territories. Customs and insatiable observance of rituals governed the conduct of governments. Thus, all those who held office and the governed were subjects of the traditional rulers. The traditional rulers exacted taxes, tribute and labor services from their subjects to raise sufficient revenue to support their administrations. In return, the subjects expected protection from their enemies and their general welfare to be provided. The accession to the office of traditional ruler was hereditary; that is to say the selection was restricted to the

ruling class. In each community there was a recognized number of kingmakers, who were solely responsible for the selection of the next emir or chief. This practice still applies in the moslem areas of the Northern States.

The purpose of this study is to assess what role traditional rulers will have in the new federal plan of government of Nigeria. The study is concerned mainly with the traditional rulers in Northern States of Nigeria, but the recommendations on the topic will be applicable to all traditional rulers in the country. The aim of the paper is to highlight the important changes and developments which have taken place between the period 1800 to 1978. During this period, significant changes and developments have occurred in the field of economic, social and political activities of Nigeria, with profound impact on the role of traditional rulers. These changes and developments will be examined in the light of how they have affected the role of traditional rulers. This examination will help in the determination of what is considered an appropriate role for the traditional rulers.

Having served the Tiv Local Government for a period of seven years in various positions, including the position of the secretary to the local government, which entails personal dealings with the traditional rulers, the writer is directly involved in the problem of what should be the role of traditional rulers. The writer's concern became more pronounced since 1975, when the military regime announced its intention to hand over power to the elected representatives of the people of Nigeria by October 1, 1979. This study will, therefore, rely on the personal knowledge and experience which the writer has on the subject. In addition, the study will review the relevant local government laws and the recent states and

federal government guidelines on the composition and functions of the local governments. Furthermore, the study will review and examine earlier writings on the subject.

II. HISTORICAL BACKGROUND

Before the British completed its occupation of Nigeria by 1900, there were mini-states (seven Hausa States) in which the emirs and chiefs held supreme, exercising spiritual and political powers to protect their subjects and in fact, "they had the power of life and death."¹ The system of government practiced was pyramidal in structure. At the top was the emir or chief, exercising supreme authority and control. Below him were his lieutenants, the traditional title holders such as Waziri (Vizier), Madaki (commander-in-chief of the armed forces), etc. This system of government existed before the Jihad (holy war) of 1804.

The Islamic Religion, which teaches unquestioned obedience to the constituted authorities, greatly influenced the system of government practiced. It was considered an offense for the subjects to speak against the decision of the ruler as well as his views as interpreted by his subjects, and so most decisions in the government implied the views of the ruler and feelings on the matter (Sarki ya ce).² All those who helped the traditional ruler in administration were selected from relations and

¹Thomas Hodgkin, Nigerian Perspectives: An Historical Anthology (London, O.U.P.), p. 73.

²W.J. Campbel, Law and Practices of Local Governments in Northern Nigeria (London, 1963), p. 3.

confidants of the emir and approved by him. Only the Alkalis³ were appointed according to their qualifications as court judges. Apart from the Alkali courts, the emirs and chiefs had their personal courts which were superior and had appellate jurisdictions, in both civil and criminal matters and their decisions were final.

The system of government described above existed in all the seven centralized Hausa States. In non-moslem areas of Northern States where central authority did not exist, the traditional authority in such areas lay with the family head or a group of elders who were respected by their kinship groups because of age and the ritualistic positions they held. There were class councils which met only when there was a common problem to tackle. The supreme authority did not reside with the elders as such, but was vested in the oracle and the verdict of the oracle on any matter was final.

Until the turn of the 18th century, what has been described above was the traditional patterns of authority in the Northern States of Nigeria. As has been shown, the traditional ruler was supreme and the final authority in his kingdom. Not only was the ruler absolute, but he was also the axis around which everything revolved. He was feared, respected and obeyed by all his subjects.

The first noticeable major changes that occurred in the traditional administration described above was the result of the Jihad (the holy war), spearheaded by Othman Dan Fodio in 1804.⁴ When the Fulanis made contact with the Hausas, the

³An Alkali is a Hausa word, the Arabic meaning of which is native court judge.

⁴Margery Perham, Native Administration in Nigeria (Oxford, 1962), p. 154.

former were very critical of the decadent standard of learning existing among the latter. The Fulanis wanted reforms particularly in islamic religion, based on the Malaki Laws. Othman Dan Fodio, the commander of the faithful, an ardent moslem, led this crusade to rid the northern emirates of unbelievers in what was known as the Jihad. The Jihad was ruthlessly fought and the Funali empire was established in all places captured.⁵

The most obvious consequence of the Jihad was the imposition of authority of a single government over a large area formerly occupied by a number of competing sovereign states. It was also the Jihad that introduced the emirate system of administration as it is known today. Each emirate was headed by an emir or chief appointed from among "the Fulani ruling hierarchy and its confidants and descendants of Sultan Bello inherited the title of Sarkin Musulumi (Sultan) with its headquarters at Sokoto."⁶

The imposition of the Fulani administration did not drastically alter the traditional pattern of authority existing before. The overriding interest of the Jihad was the establishment of rules governed by Islamic Law, nothing like adroit administration was imposed. The emirs and chiefs still enjoyed their traditional authority as before, subject only to strict adherence to the Islamic tenets. In fact, Islam became more consolidated into an empire and it existed until the British occupation

⁵The areas not overrun by the Jihad included Benue, Kabba, Plateau, Igala, Kanuri and Jukum, where imperialism of Fulani did not extend.

⁶Abubakar Aliku, The Changing Role of Emirs and Chiefs in Northern States with Particular Reference to the North-western State of Nigeria (Un-D.P.A. Term Paper, Unife), p. 19.

of Nigeria in 1900.

By January 1, 1900, the British, by force of arms, had subdued "the Sokoto Caliphal administration and established British rule in the North."⁷ The mere size of the North, the poor communication and other physical difficulties were such that pacification was possible but direct administration by the British was difficult and would have required a large military and administrative personnel. When Lord Lugard became the Governor of the Northern Protectorate, because of these difficulties, he adopted the Dual Mandate (the indirect rule system of administration) and ruled through the well-developed emirate administration he found.

The British conquerers, however, left no doubt as to their supreme authority over the area they conquered. In his proclamation of January 1900, Lugard had this to say:

The old treaties are dead, you have killed them. Now, these are the words which I the High Commander have to say for the future. The Fulani in old time under Dan Fodio conquered the land, took right to rule over it, to levy taxes, to depose of kings and create kings. All these things which I have said the Fulani by conquest took the right to do now pass to the British.⁸

Accordingly, these sentiments were expressed in the letters of appointment of emirs and chiefs who together with their subjects became British subjects. The British also ensured that the traditional tax 'kudin sarki' (the chief's money) was collected and paid to the government treasury and shared between the chief and the

⁷Chief Obafemi Awolowo, The Peoples Republic (O.U.P. Ibadan, 1968), p. 18.

⁸Colonial Annual Reports, Northern Nigeria, 1900-1911 (Kuduna), p. 59.

colonial administration. This greatly reduced the supreme authority and control of the traditional rulers.

It must be emphasized that the British adopted a policy of pacification and the residents and district officers who were posted to supervise the indirect rule system were to advise, not to give orders to the emirs and chiefs as conquered people. They were to lend them necessary support to maintain and strengthen their administrations. What the British never tolerated was the inhuman practices of the rulers such as extortion, slave trading, bribery and corruption. The masses supported the British against such malpractices which speeded the conquest of the whole of Sokoto and Kano areas.⁹

Although the power of the emirs and chiefs became underwritten, they still performed their functions as rulers without much interference except in cases where their actions were considered contrary to the desires of the colonial government. Nevertheless, significant changes occurred in the native administrations during the colonial rule.

By 1904, the emirs and chiefs and their retainers were the first salaried officials of the British administration. In 1911, the native treasuries were established throughout the emirates and western methods of estimates, accounts, budgeting and financial control were introduced.¹⁰ These changes significantly altered the conduct of the local government system and called for educated staff

⁹Margery Perham, *Native Administration in Nigeria* (Oxford, 1962), p. 43.

¹⁰Report on Local Governments in Northern Provinces, 1950 (Kaduna, 1950), Sections 55 and 56.

to run the native authorities. The appointments of staffs made by emirs and chiefs were dictated by patronage, the spoils system and nepotism. The need for qualified staff arose with the introduction of the modern local government system, which also required the opening of schools to train such staff. But it was not until the 1930's that schools were established and a trickle of educated people became available to serve the native authorities.

The native administration under the colonial regime required decentralization of the machinery of government from the emirs and chiefs to the district and village levels of the emirates. The district and village territorial administrations that emerged were to function under the consent of district and village heads, but closely supervised by the colonial district officers. Departments such as health, forestry, agriculture, etc., were decentralized to the district level. These arrangements further reduced the control of the emirs and chiefs over district administration as compared with the past.

With the emirate administration becoming rather complex and staffed by educated people, and with the tight control of district administration under the colonial district officers, the strong influence of the emirs and chiefs in native administration became a major source of resentment, "spearheaded by the new educated group."¹¹ This resentment led to the native administration reform of the 1940's. The issues at stake included the way and manner in which the native authorities (the emirs and chiefs) exerted their powers during the council meetings,

¹¹G.S. Whitaker, Politics of Tradition: Continuity and Change in Northern Nigeria (Princeton University Press, 1970), pp. 37-75.

their power of appointment of staffs, their autocratic dealings and dominant role in running the affairs of the emirate. As pointed out by Cameron and Cooper:

With the spread of literacy and the expansion of trade, time was changing. A new and articulate middle class was now appearing and with this (new) class there was not only stirring of resentment, but also a growing dissatisfaction with the power and influence of the traditional regimes, which an alien government seemed to be trying to perpetuate.¹²

The small educated group was not very vocal but the situation afforded it an opportunity to criticize the autocracy of the emirs and chiefs in running the native authorities. Again, with the introduction of a monetary system of trade by the British, individualism developed and the working class became less dependent on the rulers. Christianity also began to raise its head in the North among the non-moslem peoples with its doctrine of equality of man before God and thus placed the weapon in the hands of the few educated elites to challenge the supremacy of the emirs and chiefs. All these developments called for wider participation in the administration of the emirates.

In 1945, a conference of Northern Nigeria residents was held to examine the problems of wider participation in the village and district administration of the emirates. It recommended the development of village and district administration in order to "spread an interest in local government and to increase the contacts between native administrations and the people."¹³ The implementation of this recommendation

¹²I. D. Cameron and B.C. Cooper, The West African Councillor, p. 22.

¹³Ursula Hicks, Development from Below, p. 181.

marked the beginning of democratic government in the emirate system of administration and membership of the district and village councils was expanded to include representatives outside the ruling elites. In addition to this wider representation in the village and district councils, outer councils were also established in each native authority council to bring the administration of the emirs and chiefs closer to the people. These outer councils had the majority of elected members. The emirs and chiefs plus their traditional councillors became ex-officio members of the councils.

The most significant democratization of the native authorities came with the electoral system introduced by the Richards Constitution in 1946. Local authorities established electoral colleges and elected their representatives to the central legislature in Lagos. Thus, elections of candidates was for the first time introduced, which further increased wider participation of the people in the native authority councils and thereby replaced the former method whereby emirs and chiefs hand-picked their relatives.

In 1952, following a motion in the Northern House of Assembly by Mallam Abubakar Tafawa Balewa, a committee was set up by the legislature to review the whole of the local government system in the North and to report its progress.¹⁴

One of the opinions of the committee was stated as follows:

. . . prior to the British occupation the traditional authority of a chief . . . was exercised with the advice of and support of a traditional council. Both by tradition and by current practice, the relationship between the chiefs and their councils would be more accurately

¹⁴Ahmadu Bello, My Life (Cambridge, 1962), pp. 73-74.

described by the phrase "chief-in-council."¹⁵

This view was upheld and the term chief-in-council was substituted for 'sole native authority' which referred to the emir or chief. The chief-in-council system was such that the emir or chief was to govern with advice of a council but was not bound to accept such advice. Again election to the council was accepted but the emir or chief reserved the right to nominate other members. It was until much later that the Kabba Native Authority took the lead to elect all its members of the council. This action by the Kabba Native Authority stimulated other native authorities to follow suit, the stage was thus set for full democratization of local government system in the whole of the North.

The 1953 local government reforms in the North had far-reaching and profound effects on the role of the traditional rulers. In that year, the minister responsible for local government, the Sardauna of Sokoto, Ahmadu Bello, introduced a bill in the Northern House of Assembly, calling for reform of the whole native authority system. The bill contained a thorough review and examination of native authority ordinances, positions of traditional rulers and the electoral system of selecting members of native authority councils. This bill, after detailed discussion in the house, was passed into Native Authority Law, 1954.¹⁶

The law provided that the governor of the region should reconstitute local authorities in the whole region in five ways:

¹⁵Progress Report on Local Government in Northern Nigeria (Government Printer, Kaduna, 1953), p. 7, paragraph 37.

¹⁶Native Authority Law, 1954 (Government Printer, Kaduna, 1954), Sections 6-14.

- (a) chief-in-council
- (b) chief-and-council
- (c) council
- (d) group of persons, and
- (e) sole chief caretaker or administrator.

The chief-in-council was still personified in the person of the emir or chief who was free to accept or reject the advice tendered by his council. The chief-and-council was one in which the chief was bound by the majority decision of the council members. In the southern part of the region where the central authority of the emirate type never existed, the council and group of persons comprising elders were allowed to constitute the council. Once any one of the native authorities was dissolved or sacked, either a sole chief caretaker or a sole administrator was appointed to take charge of the council area.

Another important provision in the law was the democratization of the councils whereby a good number of them had the majority of elected council members. Even though these were now democratically elected councils, the British did not destroy the autocratic role of the chiefs in the process. In fact, in practice, the chief-in-council and chief-and-council operated in the same manner with the autocratic methods of the emir or chief. There was no provision made for the removal of the emir or chief under the reforms. Wherever the British obtained the cooperation of the emirs and chiefs, they were not so much concerned with the eradication of their autocracy and they did not want to disturb orderliness of the indigenous administrations they met. The reforms discussed above were necessary to prepare Northern Nigeria toward self-government in 1959 and Nigeria's independence in 1960.

The impact of the local government reforms in the winding days of the colonial administration had profound effect on the role of the traditional rulers. The emirs and chiefs moved from the positions of sole native authorities to those of chief-in-council and chief-and-council. Again whether or not an emir's councillors gained control over him in the democratization of the council depended largely on the personality and the power of the chief concerned. However, these reforms and the resumption of full scale partisan politics in preparation for self-government and independence provided a series of challenging situations and cases involving radical reductions of their powers and finally, in some cases, the loss of their thrones through depositions, removal, banishment from throne or imprisonment.

This paper is not concerned with political developments in Northern States, but suffice it to say that in 1951, when the Northern Peoples Congress (NPC) political party was formed, it was essentially a party of the traditional aristocrats whose purpose was to strengthen rather than undermine the authorities of the rulers. This was anticipated and as observed by Hicks: "In the Northern Region, for most of the people, government means local government . . . the emirate constitutes a state within a state."¹⁷ For the NPC to succeed, it had to meet approval of the emirs and chiefs who were not only its functionaries, but also the propagators of the party among their subjects.

When self-government was approaching in 1959, the future role of the traditional rulers in government was a major concern of the NPC. At the party's

¹⁷Ursula Hicks, Development from Below, pp. 181-183.

chief executive committee meeting held in the spring of 1956, to discuss the issue of self-government, the positions of the traditional rulers in the Northern Nigeria self-government was resolved as follows:

Some members expressed doubts (about) what will be the positions of chiefs when a party that has no sympathy for them comes into power, what will become of them when we become self-government? It was resolved that the politicians have no power to commit the future generations; every party in power can do what it likes once it wins support of the majority. Nothing better can be put in the constitutional instrument other than the provision of the house of chiefs and their share of the executive council. It is our hope to maintain this position as long as our party exists.¹⁸

On attainment of self-government in 1959, the constitution of Northern Nigeria did exactly what the NPC delegation agreed upon. There was a house of chiefs, like that of the Lords in the case of Britain. But unlike the House of Lords, the house of chiefs was placed above the house of assembly. The constitution also empowered the chiefs to collectively veto all matters within the competence of the regional government, not the least of which was the power to pass law affecting the status and powers of chiefs.¹⁹ After self-government in 1959, the colonial governor, who was the chairman of the council of chiefs, transferred the chairmanship to the Sultan of Sokoto and after independence, the premier.

On January 15, 1966, the military in a dramatic coup d'etat overthrew the

¹⁸Undated memo quoted by G.S. Whitaker, pp. 301-302.

¹⁹Section 75, sub-section (3) of Northern Nigeria constitutional law states that the Governor shall act in accordance with the advice of the council of chiefs for appointment, approval, recognition, grading, deposition and removal of a person of a chief.

civilian regime, suspended the constitution and all political activities and assumed full military control in the country. The first reform that the military regime carried out was the abolition of regions and the unification of the five civil services into one national public service by decree number 34 of 1966.²⁰ It is worth mentioning that the intention of the original architect of the coup, Major Nzeogu, was to eliminate all the political leaders in the country. However, those who were assigned the task of carrying out the coup in the eastern and mid-western regions, either by omission or commission, failed to do so. As a result of this failure and the fact that Major Nzeogu was not allowed to assume power, coupled with the fact that those who eventually assumed power exhibited overt bias in their dealings, gave credence to the accusation that the 1966 coup was a sectional coup directed against northerners. Suspicion was brewed among northerners of a possible plot of Ibo domination.²¹ This situation led to bloody disturbances in May, 1966 in which thousands of Ibos lost their lives in the North, and these events in turn led to the counter coup d'etat of July, 1966, largely against Ibos by northern troops; and a subsequent secession of the Eastern Region from Nigeria and the civil war that resulted, which continued from May, 1967 to January, 1970.

In May, 1967, the military regime in a desperate effort to preserve Nigeria as one country, created 12 states. When the states started functioning in April, 1970, each state introduced administrative reforms. It is not the intent in this paper to go into the details of the reforms; suffice it to mention that these administrative

²¹The Premiers of North and West lost their lives in the coup and those of the Mid-west and Eastern regions (all Ibos) were not killed.

reforms affected the role of traditional rulers in the following ways:

1. The reform abolished the chief-in-council systems of native authorities and democratized local authority councils with representation of each district.
2. The term native authority which hitherto symbolized the authority of the chief was abolished and substituted with the term local government.
3. New autonomous administrative divisions were created from the large emirates and divisions, thus splitting the kingdoms of the emirs and chiefs. In the case of the former Tiv Division in Benue State, the area was split into three autonomous divisions, each with a chairman heading the council and the Tor Tiv (Chief of Tiv) had no council to preside over and his role had been relegated to the periphery.
4. The government also took away from the local authorities the police forces, native courts and prisons. This meant that the emirs and chiefs no longer had roles in the maintenance of law and order in their areas. Prior to the takeover of these services, the emirs and chiefs used the police and courts to enforce their wills since they were court presidents and they had powers of ordering the police to arrest and detain people.

Perhaps the most far-reaching reforms that have had the greatest impact on the role of traditional rulers in Nigeria are the local government reforms of 1977, which many Nigerians have described as the most outstanding achievement of the

military regime. These reforms did not only further split the areas of some emirs and chiefs into new local government areas, but the reforms also, for the first time, completely removed all the traditional rulers from the chairmanships of the councils and replaced them with those directly elected by the people. The reforms also provided for a uniform system of local government throughout Nigeria. In announcing the reforms, the government had this to say on the position of traditional rulers:

. . . where a large traditional emirate or chiefdom is to be subdivided into several local governments, the latter will not become "emirates" or acquire new traditional heads. The local governments will be modern functional institutions. The traditional emirates and chiefdoms will remain, although their functions will be changed to accord with the present day circumstances.²²

In order to fulfill its promise to the traditional rulers, the government established traditional councils in each of the former emirates and chiefdoms with the emirs and chiefs of the areas concerned, as chairmen. However, because of the lack of clearly defined functions, some local government councils have requested the government to clarify whether or not the traditional councils have the powers of vetoing the decisions of the elected local government councils on those matters, which the local government councils are required to refer to the traditional councils. Nevertheless, the important thing is that the local government reforms of 1977 have drastically abridged the role of traditional rulers, both administratively and politically.

²² Guidelines for Local Government Reforms (Printed by the Government Printer, Kaduna), p. 5.

III. TRADITIONAL RULERS AND NIGERIAN POLITICS

When the future roles of the traditional rulers are considered, the vexing question of whether or not they should participate actively in partisan politics will be a major concern. As far as the experience of the Northern States is concerned, traditional rulers actively participated in politics in the past. During the British era, the emirs and chiefs were advised to remain aloof from partisan politics since they held positions of "fathers" of all people. It was the feeling of the British administrators that unless the traditional rulers remain aloof, they would lose popular support, and as a result, they would be playing themselves in the hands of rival politicians. However, when the NPC political party was formed with the support of the traditional rulers, they were dragged into partisan politics through circumstances over which they had no control. As was pointed out by the emir of Pategi:

Administrative officers have warned us chiefs in the past that we should not indulge in political activities as we are fathers of all the political parties in the regions. But in my own view, if all the children of this region belong to you, how can you support one who is disloyal and brings confusion in the community? It is also important to have whoever loves you and also support he who stands for honesty and justice, and oppose those who have been

behaving themselves irresponsibly.²³

Thus, all the opposition parties in the North – the Northern Elements Progressive Union (NEPU) and the United Middle Belt Congress (UMBC), that never openly supported the emirs and chiefs because of the latter's association with the NPC ruling party were regarded by the emirs and chiefs as heretical and their supporters as subversive elements. Confirming the involvement of emirs and chiefs in partisan politics, Whitaker has this to say:

In general, the extent of partisanship on the part of emirs varied from the overt to the thinly covert, from the case of the late emir of Bida who openly canvassed his district on behalf of a NPC candidate in the federal elections of 1959 to the more numerous examples of emirs who always maintained a formal posture of neutrality while making their influence felt behind the scenes through subordinates.²⁴

With deep involvement of the traditional rulers in politics, their own claim that they were fathers of all people was no longer valid.

The official position of NEPU political party was to transform the institution of chiefship from a traditional to a secular and democratic base whereby "we shall guarantee their dignity and respect outside politics."²⁵ NEPU also wanted to reduce the powers of the traditional rulers and democratize the local authorities, leaving them in a position of constitutional rulers.

The consequences of the traditional rulers involvement in politics are many.

²³House of Chiefs Debates, August 12, 1958, p. 58.

²⁴G.S. Whitaker, Politics of Tradition: Continuity and Change in Northern Nigeria (Princeton University Press, 1970), pp. 303-304.

²⁵House of Chiefs Debates, August 12, 1958, p. 88.

First of all, they violated their oaths of office which reads in part ". . . I will rule my people with justice and impartiality and that I will do my duty without fear or favor, affection or ill will. So help me God."²⁶ Because the traditional rulers partially defied the oath, they regarded members of opposition parties to NPC as subversive elements. Secondly, they came into direct conflict with members of the opposition parties. By so doing, they lost respect from a section of the community and this enabled the opposition parties to be much more critical of the traditional rulers' institutions. Serious political allegations were leveled against the emirs and chiefs by the opposing political parties which sometimes led to their dismissal or removal from their thrones.

From 1953-1966, there were at least seven instances of dismissal of emirs and chiefs (those of Kano, Adamawa, Bauchi, Biu, Kiana and Argungu) who were either retired or forced to resign,²⁷ and the emir of Dikwa was deposed. In the case of the Emir of Dikwa, he was not only dismissed, but he also served a five year sentence in jail for also embezzling of funds.²⁸ Thus, the infallibility of the emirs and chiefs ended and like ordinary citizens they could be imprisoned for offenses committed. Such offenses included maladministration, abuse of office for personal ends, and defiance of their councillors on important policy matters of the local governments. Thus, with the position of the emirs and chiefs heavily circumscribed by law, their

²⁶Official Oath of Office of Chiefs in use in 1959.

²⁷G.S. Whitaker, Politics of Tradition: Continuity and Change in Northern Nigeria (Princeton University Press, 1970), p. 272.

²⁸*ibid.*

conduct was again open to pressure from councillors, politicians and educated elites. Again, the removal of the most powerful Emir of Kano in 1963 shows that nothing stood in the way of the politicians to remove an emir or chief. This seems to contrast sharply with what Hicks observed earlier: "If for any reason the native authorities were to cease to function, the wheels of government in the region would probably grind to a standstill."²⁹ This observation is no longer true, for the politicians have succeeded in establishing their ascendancy over the traditional rulers and the powers of these local authorities have been greatly reduced. Not only that the emirs and chiefs would be removed from office, banished from their kingdom, but they could also be thrown into jail for various offenses. The drive toward democratization of the local system of government brought changes in substance and in form which affected the role of traditional rulers. On the whole, during the post-independence era, the emirs and chiefs became the "pawns on the chess board" of the politicians. Their administrative powers were drastically reduced under the various local government reforms, their traditional respect was diminished because of their involvement in partisan politics and they finally lost their traditional rights over various forms of income that accrued to the stool.

We have so far examined the position or role of traditional rulers in the past and how this role has gradually changed over the years, through the various local government reforms. These reforms became imperative due to the political, social and economic developments in Nigeria, dating back from the colonial rule to

²⁹ Ursula Hicks, Development from Below, pp. 180-181.

independence and of course the thirteen years of military rule. These developments, specifically the 1977 local government reforms which are the boldest steps ever taken by the government to democratize local government, have greatly reduced the role of traditional rulers in the following ways:

- 1) The geographical areas over which some emirs and chiefs have authority have been split into a number of autonomous local government councils.
- 2) All emirs and chiefs have been removed from the chairmanships of the local government councils and in their places those people directly elected by the citizens have been appointed chairmen of those councils.
- 3) The traditional councils over which emirs and chiefs are made chairmen, have limited functions and are, therefore, subordinate to the local government councils.

Confirming this, the Military Administrator of Gongola State has this to say:

. . . top priority has been given to the preservation of the positions of traditional rulers in the country. This could be seen through the establishment of traditional and emirate councils which owe their existence to the local government councils.³⁰

As a result of these changes, recently there have been demands that the time has come when the role of traditional rulers throughout the country should be clearly defined. Supporting this view, the local government review panel appointed

³⁰ Brigadier Abdullahman Mamude, "How Emirs Benefit from Reforms," Daily Times, August 29, 1978, p. 11.

by the government of Benue Plateau State, has this to say:

We are of the opinion that the development of local government in this country has reached a stage when the role of the traditional rulers should be examined more critically with a view to determining whether or not they should continue to involve themselves in local and national politics.³¹

Although originally, the call was for the government to define the role of the traditional rulers to accord with the present circumstances of the country. However, in recent time, a number of people, mostly academicians, openly requested that the government should abolish the whole concept of traditional rulers in Nigeria. This group seeks to substantiate their demand by saying that the aura of glamour under which the chiefs were clothed is no longer there. They argued that the chieftaincy institution has steadily lost its value, importance, prestige, power and that most of the traditional rulers have been reduced to titular heads of their respective people without specific functions to perform. To these groups of people, the institution of chiefship is fast becoming an expensive anachronism which Nigeria cannot afford. It is further maintained that the chieftaincy institution contradicts the principles of socialism or egalitarianism, which are now accepted as cliches of the national endeavor. That if Nigeria is to be a socialist state, there is a need to eliminate class distinction such as that of traditional rulers. Both royalty and aristocracy reflected in the chiefship are the forces of retardation to rapid development and both have declined in authority the world over. They explained that in Tanzania, chiefship has been abolished and the preservation of the status quo has given way for creative thinking

³¹Report of Local Government Review Panel, JOS, October, 1975, p. 57.

and rapid social and economic transformation of the masses. Supporting these views, Mr. Bur has this to say:

It is, therefore, recommended that chieftaincy in Nigeria has no useful future and should be dispensed with. A cautious but firm program of ending chiefship in Nigeria should be introduced without delay. To avoid radicalism and possible chaos, it is further suggested that in all existing chiefdoms, the (present) incumbent in office should be the last traditional rulers Nigeria would have. As soon as the incumbent in office is dead or removed, the office of the chieftaincy in question should be legally proscribed or outlawed.³²

Finally, the following reasons have been given why chiefship is not required in Nigeria:

- 1) The chiefship is disqualified because it is retrograde and aristocratic and, therefore, in conflict with the democratic principles of Nigeria of tomorrow.
- 2) It is disqualified because equal opportunity cannot be given to the traditional rulers in their present forms to participate in any government whether civilian or military or whether socialist or capitalist.
- 3) Emirs and chiefs, because of their royal backgrounds cannot be trusted by any government, and, therefore, chiefships have outlived their usefulness today and tomorrow.

Having discussed the current views on the role of traditional rulers, it becomes essential to evaluate these views in the light of the history and circumstances

³²B.A. Bur, The Role of Traditional Rulers, M.P.A. Degree Paper, University of Ife, October 23, 1974, p. 25.

of Nigeria. First of all, it is recognized that with the present political developments, traditional rulers cannot justly exercise political powers and also be depended upon in the same way as was hitherto the case. At that time, out of necessity, the role of traditional rulers includes political, administrative and judicial functions. With the establishment of representative government, with its concomitant practice of the principles of separation of governmental functions, the traditional rulers must operate within well-defined limits. After all, traditional rulers, be they in Nigeria as the monarchies in Europe, are becoming political embellishments, enjoying a waning prestige.

But the question is, can Nigeria afford to do away with traditional rulers, without creating problems. The answer to this question can only be given after a careful examination of the implications involved. It is discernible that while a few educated elements in Nigeria are demanding the abolition of the traditional rulers, the emirs and chiefs are still popular with the masses. This trend is bound to continue as long as large scale illiteracy exists. The illiterates who make up the majority in the country still look to their emirs and chiefs in their glamour of the past and regard them as the symbol of unity and tradition of the various communities. Up until now, traditional rulers are held in the high esteem especially in the Northern States, where they have commanding voices among their people. This fact was manifested during the disturbances in the Northern States. For example, it was through the intervention of the traditional rulers that further killings of May, 1966 were halted when the military government was unable to contain these mass killings. It was also the participation of the emirs and chiefs in the leaders of thoughts meetings that crucial issues such as the creation of states in 1967 was made possible. The issue which was used

by the military regime to justify its prosecution of the civil war according to a spokesman for the regime, was the preservation of Nigeria as one country.

Mention must be made of the fact that even though the former opposition parties in the North were very critical about the emirs and chiefs, because of the former's open support for the NPC, none of the opposition parties really sought to abolish the institution of chieftaincy. All they wanted was to transform the institution from a traditional to a secular and democratic base whereby "we shall guarantee their dignity and respect outside politics."³³

Let us now examine why traditional rulers, as a group, are unpopular with educated elements, who have lumped them together with other exploiting social classes. If stock is taken, it will be seen that most of the people now demanding the abolition of traditional rulers are from the south of the country where the history of traditional rulers is not so deep-rooted as compared with the North. But there are other reasons why educated southerners are so critical about traditional rulers. It is worth mentioning that both the western and eastern states, because of their earlier contact with Europeans, have greater advantages educationally, politically and socially over their northern counterparts. They are also more individualistic than the northerners. Above all, they have more and better communication systems than those in the North. Furthermore, the educated elites of the western states are strongly opposed to continuation of any facets of the roles of traditional rulers. This sentiment is borne out by the fact that in the western states, the institution of chiefship is tied up with a secret society "Ogboni," a dimension which does not exist in the Northern States.

³³House of Chiefs Debate, August 12, 1958, p. 88.

The association of the traditional rulers of the western states with secret societies makes them very unpopular with the educated elites. This unpopularity was shown during the political disturbances in the West of 1964-1965, when many traditional rulers were murdered.

In the eastern states, the position is even more complex because originally, there were no traditional rulers as such. They were created by the colonial administration to help it implement indirect rule. The other reason has something to do with the propensity of socialist radicalization of Nigeria and the desire to alter the social structure. This was pointed out by Mr. Jibo in a recent statement taken from the Sunday Times: "What is of particular concern in all this is that traditional rulers are becoming an issue in areas which traditionally have been held up as republican."³⁴

Mention must be made of the fact that even the military regime with its concept of absolute authority, did not consider it wise to abolish traditional rulers. This is a clear indication that the military regime is aware that traditional rulers are still popular with the masses and any attempt to outlaw the institution will no doubt lead to disturbances, a situation which the military regime will find difficult to contain. As a matter of fact, the traditional rulers have been given prominence by the military government. This is evidenced from the fact that, although the local government reforms of 1977 introduced by the military administration drastically reduced the role of traditional rulers, the Federal Military Government has given them more recognition than any other government. For the first time in the history of Nigeria, traditional

³⁴Mvendaga Jibo, "Traditional Rulers: What Status? What Role?" Sunday Times, February 26, 1978, p. 7.

rulers have direct access to the federal government. In the past traditional rulers were the responsibility of regional governments. As a matter of fact, the military government found it necessary to brief the emirs and chiefs on any major issue of public policy. This is no doubt the realization of the fact that without the support of traditional rulers, it will be impossible for the government to get public support. For example, the traditional rulers were briefed by the chief of staff supreme headquarters on the local government reforms, requesting the emirs and chiefs to not only support the reforms, but to marshall the support of their communities before the reforms were implemented. Again, when the military regime wanted to relax the 12 years ban on political activities, the head of the federal military government summoned all the traditional rulers, during which meeting he told the traditional rulers among other things:

You have been invited here today in recognition of the crucial role you are expected to play, especially during this delicate period of transition from military to civil rule, not only to ensure a smooth transfer of power from military to the elected representative government, but also to ensure moral regeneration, peace and stability thereafter. As traditional and community leaders, it is your duty to bring the full weight of your moral authority to bear on the people of this country - a country that has had more than its fair share of difficulties since our independence.³⁵

Now that the traditional rulers have survived under the military regime, it is difficult, if not impossible for any civilian government, in the near future, to attempt to abolish the traditional rulers because any such attempt will bring chaos and instability, a situation which the army may use to justify seizure of political power again. As a

³⁵Address delivered by Lt-General Olusegun Obasanjo, Head of the Federal Military Government of Nigeria, to Traditional Rulers, New Nigerian, September 12, 1978, p. 3.

matter of fact, one of the newly formed parties (National Party of Nigeria), has "promised to take urgent action to ensure representation for traditional rulers in the legislative process of the nation."³⁶ Under these circumstances, it is clear that in spite of the recent demand from some educated elements that traditional rulers be abolished, this demand has no public support. The general feeling of the majority of the people of Nigeria is summed in the following statement of Mr. Jibo:

The tendency throughout the country is to allow traditional authorities to exist, not as centers of power, but as advisers, if and when the occasion arises to seek survive advice. Traditional authorities are likely to survive and retain some measure of acceptability if they do not stand in the way of democratic forces.³⁷

³⁶West Africa, December 18, 1978, p. 2563.

³⁷Mvendaga Jibo, "Traditional Rulers: What Status? What Role?" Sunday Times, February 26, 1978, p. 7.

IV. PROPOSED REVISION OF THE ROLE OF TRADITIONAL RULERS

Judging from what has been said earlier in this paper, it is clear that every local government reforms have tended to center around the role of traditional rulers. It is this tendency that has prompted some people to demand the abolition of traditional rulers. One thing is clear, and that is the majority of people feel that traditional rulers are needed and as long as the majority of the people still feel this way, the traditional rulers will continue to play a part in the running of the country, at least in the immediate future. What everybody appears to be unanimously agreed on is that traditional rulers should not take part in partisan politics. It is, therefore, only fair that the will of the majority be upheld. After all, this is what democracy really entails.

The important issue now is to consider what role is appropriate for the traditional rulers in the light of the present circumstances in Nigeria. First of all, it is imperative for the traditional rulers to realize that the Nigerian public has become more sophisticated and will judge critically the role of all institutions, including chiefs, in the area of politics, in order to bring the role of all institutions into consistency with the present changed circumstances. Secondly, the traditional rulers must appreciate that as fathers of the whole community, they must treat all the people fairly. They can only do this if they do not associate themselves with any political parties. Thirdly,

the traditional rulers should learn from past experience that what brought conflict between them and the politicians was their overt support for a particular political party. As the editor of New Nigeria pointed out, "If our democracy is to succeed, the chiefs must not participate directly into politics. Their commitment ought to be peace, progress and good government."³⁸

What is required now is to examine the functions of the traditional rulers which conflict with those of the elected politicians and consider what should be done to revise such functions to remove this conflict of power and interests. It is noted that the various local government reforms have taken away from the chiefs some of the sensitive areas of their powers. For example, the police, courts and prisons, which the emirs and chiefs hitherto used to exert their power have been taken away. Again recently, all emirs and chiefs have been removed from the chairmanships of the local government councils. Prior to their removal, the decisions at the council meetings reflected what the emirs and chiefs wanted, irrespective of whether or not the majority councillors agreed with those decisions. Another powerful instrument which the emirs and chiefs used to override the decision of regional house of assembly was attested in the constitutional power of the house of chiefs to veto all matters within the competence of the regional government, not the least of which was power to pass laws affecting the status and powers of the chiefs. As a matter of fact, but for the military coup d'etat of January 15, 1966, which suspended the constitution, it would have been impossible for the northern house of assembly to pass any law, purporting to alter the

³⁸Editorial Comments of the New Nigerian, September 12, 1978, p. 1.

status or role of the traditional rulers, because such a law would not be passed by the House of Chiefs.

Finally, it is necessary to clarify the functions of the traditional councils vis-a-vis those of the local government councils so that there is no scramble for power between the two councils. The aim of this examination is to revise these functions with a view to removing all those elements that are likely to conflict with the ultimate political power of the elected representatives of the people.

From what has been said above, it is clear that the quest for the political neutrality of traditional rulers has been a long-standing objective in Nigerian history, dating back to the colonial period, the first civilian government and the military regime. Also from the events that have taken place, it is discernible that the involvement of traditional rulers in partisan politics has become outmoded by the passage of time. It is also noted that each of the above mentioned governments clearly recognized the necessity of insulating the traditional rulers from partisan politics. However, none took positive steps to provide the guidelines to secure, in practical terms, the neutrality of the traditional rulers from active involvement in party politics.

It is reasonable to infer that whatever party that eventually comes to power in Nigeria will need the advice of traditional rulers. In their non-partisan roles, the traditional rulers will be accepted and respected by all and sundry. Mention must be made of the fact that throughout the ages, traditional rulers have been called upon to help the government of the day in whatever public campaign that was going on at any time - the campaigns to register children of school age, campaign to register voters, campaign for national census and campaign for operation feed the nation. This is

because of the lack of effective means of direct communication between the government and the people, coupled with the existence of large scale illiteracy. By carrying out the above mentioned functions, the traditional rulers no doubt, in one way or another, become involved in the development of the communities in which they are acknowledged leaders.

In order that traditional rulers will play effective but non-partisan roles in the running of the government, it is recommended that the roles of the traditional rulers in Nigeria should be revised to include the following:

- 1) In the future, council-of-chiefs should not share constitutional or legislative powers with the state houses of assembly. The council-of-chiefs should be a purely advisory body through which the state government can inform the chiefs of what its policies on various issues are. The government, in turn, should get the advice from traditional rulers on any matter which the government thinks their advice is necessary. But the government should in no way be bound by such advice.
- 2) The traditional councils over which the chiefs are chairmen should not debate the issues which have been decided upon by the local government councils. Even if the minutes of the local government council are required to be sent to the traditional councils, they should merely serve to inform the emirs and chiefs about what the various local government councils are doing within their areas of jurisdiction.

- 3) Traditional councils should decide issues affecting the appointments, classification and discipline of traditional office holders and send recommendations to the state government.
- 4) Traditional councils should deal with all issues affecting the customs and traditional heritages of their communities. Each emir and chief should be the custodian of the customs and traditions of his people
- 5) The emirs and chiefs should assist the government by maintaining a vital communication link between the government and the masses. For example, whenever the government wants to pass information to the masses, the emirs and chiefs should carry the message to their people.
- 6) The emirs and chiefs should encourage their people to engage in community development activities so that they can improve their areas and the quality of their lives.
- 7) In times of national and/or political crisis, when politicians treat each other with suspicion and mistrust, the emirs and chiefs collectively should use their fatherly influence to mediate between the varying factions in order to prevent complete breakdown of law and order.

V. CONCLUSIONS AND RECOMMENDATIONS

This paper has examined in detail the roles of traditional rulers in the Northern States before and during the colonial era and since Nigeria became independent on October 1, 1960. This examination reveals the political developments which have great impact on the roles and status of traditional rulers. The paper further examines the circumstances which necessitated the changes in the role of traditional rulers over the years. It is noted that these changes became necessary in order to accord with the political developments in Nigeria, with their concomitant principles of separation of governmental functions among the various functionaries. Hitherto, the traditional rulers possessed absolute powers in administrative, political and judicial matters. The conclusion one can draw from these developments is that Nigeria has reached a stage where the traditional rulers cannot function in the same way as they did in the past.

It has been noted that some extremists have recently demanded the abolition of the traditional rulers in the light of Nigeria's present circumstances. However, it has been seen that this demand has no popular support. The majority view is to accommodate the traditional rulers within the framework of well-defined areas. Commenting on the demand for the abolition of traditional rulers, the head of state stated, "Traditional values, ideas and concepts are being relegated to the background

in favor of blindly copied, ill-digested western ideas."³⁹

It is also important to point out that some critics have expressed pessimism that it is difficult, if not impossible to secure complete neutrality of traditional rulers from partisan politics because of their long-time involvement in party politics. This group argues that as human beings, the traditional rulers are bound to lean towards one political party. It is not considered necessary to go into argument on this issue. However, from what has been said above, it is important for the traditional rulers to understand that in order to secure their very existence in the new political arrangements in Nigeria, they must give up open involvement in partisan politics. This does not, of course, mean also the abrogation of their constitutional rights to vote at any election. It should be noted that every game has rules which the participants must follow in order to remain qualified to participate. As Mr. Norton Long points out in his ecology of games:

. . . within each game there is a well-established set of goals whose achievement indicates success or failure for the participants, a set of socialized roles making participant behavior highly predictable, a set of strategies and tactics handed down through experience and occasionally subject to improvement and change, an elite public whose approbation is appreciated, and finally, a general public which has some appreciation for the standing of the players. Within the game the player can be rational in the varying degrees that the structure permits. At the very least they know how to behave, and they know the score.⁴⁰

³⁹The Head of State statement published by New Nigerian, September 12, 1978, p. 3.

⁴⁰Richard S. Bolan, The Comprehensive Planning: Emerging Views of Planning, 2nd Printing, 1977, American Institute of Planning, 1776 Massachusetts Avenue, N.W., Washington, D.C., p. 98.

It is, therefore, imperative that for the traditional rulers to continue participating in the running of government in Nigeria, they must accept the reality of the situation by showing their unflinching support for their new roles.

This paper has examined at length those functions of the traditional rulers which in the past conflicted with those of the elected politicians. During this examination, it has been seen that through the various local government reforms, some of the most sensitive areas of the roles of the traditional rulers have been taken away. Furthermore, the paper has set out the revised roles for traditional rulers based on the current popular opinion of Nigerians. What is needed now is the machinery to acquaint the traditional rulers with their new roles.

It must be made clear that whatever roles that the traditional rulers in Nigeria will play, depends entirely on the government of the day. By the same token, the future existence of the traditional rulers is a matter for the future government to decide. However, if the traditional rulers maintain their neutrality in partisan politics, their positions are unlikely to be tampered with. In order for the traditional rulers to safeguard their positions, it is recommended that:

- 1) There should be no constitutional arrangements which give the traditional rulers identical political powers with the elected officials. The roles of traditional rulers in government should be advisory whenever the government considers that advice necessary.
- 2) There must be clear-cut separation of functions between the traditional councils and local government councils. Essentially, the traditional councils should be concerned with the appointments,

classification and discipline of traditional office holders. In other areas of traditional matters affecting the customs and traditional heritages of their communities, each traditional ruler should be the custodian of the customs and traditions of his people, leaving the day-to-day running of the local government to the elected council. The local government is, of course, free to consult the emir or chief whenever it needs his advice.

- 3) The primary concern of the emirs and chiefs should be the welfare and progress of their people. They should, therefore, serve as the communication link between the government and their people, receiving informations from the government and communicating them to their people and vice versa.
- 4) They should encourage and lead their people to engage in community development activities so that the communities can improve their areas and the quality of their lives.
- 5) The traditional rulers should be concerned with peace, progress and good government. And in the cases when peace is threatened due to national and/or political crisis, the traditional rulers collectively should use their fatherly influence to mediate between the varying factions and avert complete anarchy in the country.
- 6) The government should set up machineries to acquaint the traditional rulers of their new roles as enumerated above and issue guidelines on the role of traditional rulers for implementation.

If these recommendations are accepted and implemented, the role of traditional rulers in Nigeria will be insulated from partisan politics. They will, therefore be accepted, trusted and respected by all the different political parties. This in turn will enhance their positions and Nigeria will derive immense benefits from the existence of traditional rulers.

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